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CITY OF EAST PALO ALTO; RONALD L. DAVIS; J. WOHLER;
SHANTE WILLIAMS; and ANGEL M. SANCHEZ

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

ENRIQUE AYALA-CANJURA,

Plaintiff,

v.

CITY OF EAST PALO ALTO, a
municipality; RONALD L. DAVIS; an
individual; J. WHOLER, an individual;
SHANTE WILLIAMS; an individual;
ANGEL M. SANCHEZ, an individual; and
DOES 1 - 10,

Defendants.

CASE NO.: C08-01714 SBA

**MOTION TO CONTINUE TIME TO
COMPLETE EARLY NEUTRAL
EVALUATION**

I. INTRODUCTION

In an effort to resolve this case early on, the parties have agreed to participate in an Early Neutral Evaluation (ENE). Accordingly, the Court set a deadline of September 22, 2008 to complete the ENE. Due to prior commitments and discovery considerations, the parties do not believe that a meaningful ENE can be completed prior to September 22, 2008. It is the parties wish to conduct an ENE session on October 14, 2008, and request that the Court continue the deadline to accommodate that date.

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II. ARGUMENT

ADR Local Rule 5-5 requires that a motion to request an extension of the ENE deadline be heard no later than 15 days before the session is to be held. The motion must 1) detail the considerations that support the request, 2) indicate whether the other parties concur in or object to the request; and 3) Be accompanied by a proposed order setting forth a new deadline by which the ENE Session shall be held. ADR Local Rule 5-4 requires that the parties participate in a phone conference to fix the date and time of the ENE session.

The phone conference was held on August 11, 2008 with neutral Edwin J. Wilson, Jr. At the conference, the parties discussed the at-issue status of the case. At the time of the conference, defense counsel had obtained authority from all individually named defendants to accept service of the complaint on their behalf, except for Chief Davis. Defense counsel has since obtained authority from Chief Davis to accept service. At the time of filing of this motion, all defendants have answered.

During the conference, the parties discussed the discovery anticipated to prepare this case for an Early Neutral Evaluation. Defendants anticipate deposing Mr. Ayala-Canjura, and sending out a preliminary set of special interrogatories. In addition, defendants will provide plaintiff with the police reports in this matter. Plaintiff's intend on

Due to calendar conflicts and the discovery involved, the parties did not believe they could conduct the ENE session before the September 22, 2008 deadline.

At the conference, the parties agreed to stipulate to having the ENE session conducted on October 14, 2008, with ENE statements to be submitted by October 8, 2008. The parties have tentatively scheduled that date, which of course will be vacated and rescheduled if this request is denied. The parties and Mr. Wilson, the neutral, have stipulated to this date.

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III. CONCLUSION

The parties respectfully request that the Court grant this motion to extend the ENE deadline from September 22, 2008 to October 15, 2008, to accommodate the parties schedules and the discovery required for a meaningful ENE.

DATED: August 19, 2008

Clapp, Moroney, Bellagamba and Vucinich

By: /s/
PATRICK R. CO
Attorneys for Defendants,
CITY OF EAST PALO ALTO, SHANTE
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